
Findings and Observations

1. The Southern Border is Porous

Crossing the U.S. borders illegally is not difficult. The number of those attempting to enter the United States illegally across our land borders is staggering. Approximately one million illegal immigrants were apprehended in 2003. DHS predicts that more than 1.2 million will be apprehended in 2004.¹² Approximately 150,000 to 600,000 succeed every year in illegally entering the United States. While many seek only employment, the problem is that the porous border can be exploited by terrorists intending to do our country harm.



¹² Materials provided by CBP Congressional Affairs Office, June 21, 2004.

The Terrorist Interest in the Southern Border

The number of illegal immigrants successfully crossing the Southern Border highlights the gaps in our border security system, raising the question that if it is so easy for them to illegally cross the border, what will stop a determined terrorist? Especially as more resources are brought to bear against the other methods for terrorists to enter, such as those used by the 9/11 hijackers, it can be presumed that the border will become a more attractive means of entering the United States.

It comes as no surprise that those who work every day to attempt to control our porous borders are concerned about this situation. Their frustrations and concerns are best summed up in the words of T. J. Bonner, president of the National Border Patrol Council, who discussed the state of the border when in releasing a homeland security survey of Border Patrol agents:

Prior to September 11, 2001, it was extremely easy to enter the United States illegally, either by sneaking across the border or by securing permission to enter temporarily and then never leaving. Incredibly this has not changed in any meaningful way. With very few exceptions, any individual who is determined to enter the United States illegally will eventually be successful.

We cannot pretend that our homeland is secure if our borders are not. Every year millions of illegal aliens cross our borders, and fewer than half of them are apprehended. If it is so easy for impoverished and poorly-educated people to illegally cross our borders, consider how much easier it is for well-financed and highly-trained terrorists to do the same.¹³ (emphasis added)

Terrorists such as al Qaeda recognize the vulnerability of the Southern Border. In 2002, al Qaeda's website noted that:

In 1996, 254 million persons, 75 million automobiles, and 3.5 million trucks entered America from Mexico. At the 38 official border crossings, only 5 percent of this huge total is inspected.... These are figures that really call for contemplation.¹⁴

This interest in the Southern Border is reinforced by the border-wide alert announced on August 18, 2004 for a suspected al Qaeda cell leader that the FBI believed was attempting to

¹³ National Border Patrol Council President T.J. Bonner Statement, "How Secure Are America's Borders?" (Washington, D.C., August 23, 2004).

¹⁴ Abu Ubayd al-Qurashi, "America's Nightmares," Al-Ansar [Internet], February 13, 2002. In *Imperial Hubris*, Anonymous, p. 84. Washington: Brassey's Press, 2004.

cross into the United States from Mexico, along with the recent apprehension of two terrorist suspects who had entered across the Southern Border.¹⁵

Farida Goolam Mahomed Ahmed, a Pakistani citizen, traveling on a South African passport, was arrested July 19, 2004, by Border Patrol agents at McAllen International Airport after agents noted her passport was missing four pages and found a pair of muddy, wet pants in her baggage. Subsequent inquiry showed that the pages torn from her passport had reflected travel to Pakistan. The investigation also showed that she had flown into Mexico City on a British Airways flight from London on July 14, 2004, and within a week had apparently walked across the Rio Grande and entered the United States illegally.¹⁶

On August 5, 2004, federal officials charged Kamran Ahktar, also known as Kamran Shaikh, a Pakistani citizen, with immigration violations after he was detained in Charlotte, North Carolina on July 20, 2004, while videotaping the downtown area of Charlotte.¹⁷ The affidavit supporting the complaint detaining him noted that immigration records show that Shaikh entered the United States by illegally crossing the border from Mexico in 1991.

Equally disturbing, a border intelligence analyst reported to the staff that two Syrian nationals were apprehended prior to 9/11 attempting to cross the border between the remote Del Rio and Eagle Pass, Texas, crossings. Among the items seized from these individuals were cameras with pictures of the nuclear power plant and other important buildings in the Mexican port of Vera Cruz. The analyst also noted that depending upon wind factors, an incident at the Vera Cruz nuclear plant could affect thousands of lives on the U.S. side of the border. The staff confirmed the arrests, but was unable to officially corroborate either the material seized from the individuals or its significance, if any, from a counter terrorism perspective.

Exacerbating this problem is the possibility that a corrupt official in Mexico or another country would wittingly or unwittingly assist a terrorist intent upon entering the United States. Last November, it was reported that a Mexican diplomat who served in Lebanon was arrested for her part in providing Mexican travel documents to unnamed Middle Easterners. In the last two years, more than 50 Mexican immigration officials have been charged with corruption.¹⁸

¹⁵ *Op. cit.*, Arizona Daily Star.

¹⁶ Lennox Samuels, "Mexican tourist spots, oil platforms seen as potential targets", *Dallas Morning News*, August 7, 2004.

¹⁷ Department of Homeland Security News Release, "*Pakistani Man Charged With Criminal Immigration Violations*," (Washington, D.C., August 10, 2004).

¹⁸ Ricardo Sandoval, "Mexico Says Border Breaches May Be Tied To Terror activity," *Dallas Morning News*, August, 17, 2004.

More Illegal Immigrants from Countries of National Security Concern Are Crossing the Southern Border

Adding to this security concern, the Southern Border bears the brunt of the tide of illegal immigration into the United States.¹⁹ For the first seven months of 2004 there have been 660,538 apprehensions on the Southern Border, which is a 31% increase from the same period for fiscal year 2003. It is projected by the Border Patrol that apprehensions will total roughly 1.2 million for the full year.²⁰ These numbers, of course, only represent those who are apprehended. The actual number of those who successfully evade detection and cross our borders remains somewhat of a mystery – with estimates ranging from 150,000 to 600,000 per year.²¹

While apprehension data does not provide information on people successfully crossing the border, it is generally accepted that the data provides a similar picture. In fiscal year 2002, nationals of 186 countries were apprehended with illegal immigrants from Mexico, representing 94% of the total.²² In fiscal year 2003, 95% of the illegal immigrants apprehended were Mexican nationals. The remaining 5% (49,545) individuals, termed “OTMs” (Other Than Mexicans) by DHS, were scattered from countries throughout the world – Honduras, El Salvador and Guatemala being the top three nationalities.²³

Official Border Patrol records reveal a disturbing trend on the Southern Border indicating a growth in OTMs crossing into the United States from Mexico. A number of Border Patrol officials commented that they were arresting more OTMs this year. Data corroborates these observations. It shows that for the first seven months of fiscal year 2004 40,739 OTMs were apprehended – representing a 36% increase over the 29,910 OTMs apprehended during the same time period in fiscal year 2003.²⁴ In the Brownsville Sector alone, Border Patrol officials reported they caught 23,178 OTMs through August 2004, compared with 14,919 in all of fiscal year 2003. Of these, 16,616 were released, on bond, into the United States.

¹⁹ DHS, “Deportable Aliens Located by Program, Border Patrol Sector and Investigations District, Fiscal Years 1996-2002,” *2002 Yearbook of Immigration Statistics* (formerly, Statistical Yearbook of the Immigration and Naturalization Service), p. 171 and Table 40; available from <http://uscis.gov/graphics/shared/aboutus/statistics/ENF2002list.htm>.

²⁰ A review of government apprehension data shows that Southern Border apprehensions previously reached a high of 1,615,844 in fiscal year 1986 and then decreased for three consecutive years after the passage of the Immigration Reform and Control Act, which contained an amnesty program for certain illegal immigrants. From a low of 852,506 in 1989, the number of apprehensions steadily increased every year until 2000 when it set an all time high at 1,643,679. Border apprehensions then declined 25% to 1,235,717 in 2001, another 25% in 2002 to 929,809 and finally another 2% to 905,065 in 2003.

²¹ U. S. House, Committee on Government Reform, Report of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, *Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions*, Report 107-794, (Washington, D.C.: July 2002), p. 30; Final Report of the National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, p. 383; Center for Strategic and International Studies (CSIS), *Managing Mexican Migration to the United States: Recommendations for Policymakers*, (Washington, D.C., April 2004), p. 1-3.

²² *Op. cit.*, 2002 Yearbook of Immigration Statistics, p. 174 and Table 39.

²³ CBP Congressional Affairs briefing materials emailed on July 13, 2004 to staff indicate that in the first seven months of fiscal year 2004, 95% (752,749) of the 793,488 apprehensions were Mexican nationals. Honduras, El Salvador and Guatemala were the top three countries in the remaining 5% or 40,739 OTMs.

²⁴ Data provided by Border Patrol, July 13, 2004.

Border officials warned that within the increasing numbers of OTMs, they were seeing more foreign nationals from countries of national security/terrorism interest, commonly referred to as “countries of interest” or “COIs.” Border agents noted that 3,000– 4,000 COI apprehensions occurred yearly on the Southern Border. They provided anecdotal evidence of finding passports, “pocket trash” and other documents indicating foreign nationals from countries of interest were crossing the Southern Border. For example, the tribal police on the Tohono O’odham Nation reported finding an Iranian passport on their reservation.

The staff obtained a partial list of COI apprehensions for fiscal year 2004 for the Southern Border which included foreign nationals from Afghanistan (16), Egypt (18), Kazakhstan (2), Kuwait (2), Indonesia (19), Iran (13), Iraq (10), Lebanon (13), Pakistan (109), Saudi Arabia (7), Somalia (5), Sudan (6), Syria (10), Tajikistan (3), Turkey (26), Uzbekistan (13) and Yemen (3). These figures are partial and do not reflect the total numbers of COIs apprehended.²⁵

Miles of Unprotected Border Attract Illegal Crossings

The attraction of the Southern Border to anyone contemplating crossing it illegally is that the 1,933 mile-long land border with Mexico is vast and offers hundreds of potential illicit crossings. It encompasses terrain as diverse as the suburban neighborhoods of San Diego, California to the stark Chihuahuan desert outside Presidio, Texas.



Rugged terrain of Southern Border outside of El Paso, Texas.

The Rio Grande River marks about half of the border, including the entire Texas-Mexico border from Brownsville to New Mexico. In the Brownsville area, the river is too deep to walk

²⁵ *Ibid.*

across, however illegal immigrants use inflatable inner tubes to float across. The staff observed hundreds of inner tubes discarded along the shore during its sight visit to the Brownsville area.

Elsewhere, the river offers a very limited barrier to illegal crossings as it is relatively easy to cross either on foot or in a vehicle – especially during the summer when many stretches dry up. While traveling with Border Patrol agents, the staff witnessed numerous people, both at night and during daylight hours, illegally attempting to cross the border.



Discarded inner tubes are abandoned along the banks of the Rio Grande near Brownsville, Texas.

West of El Paso, the Rio Grande turns to the north and no longer serves as a clear marker of the international boundary. Through most of New Mexico, Arizona, and California, nothing more than two or three strands of barbed wire fencing mounted on wooded posts serves as a barrier to border crossings. In many places illegal immigrants simply cut the strands or climb over it. Along one stretch in Arizona, the staff was shown a section of the barbed wire fence that had been removed by a Mexican rancher and relocated about ten yards away to the northern edge of his property. Clearly this type of fencing is not an effective obstacle or deterrent to those intent on illegally entering the United States.

Other more mountainous areas of the border have no fencing or infrastructure in place to deter illegal entry. The government has relied on the remoteness and terrain of these areas to deter illegal border crossers. In these areas, there are white pillars located several miles apart, usually on a peak of a mountain, to designate the international boundary. The pillars are “line of sight” meaning that if a person is standing at one, one pillar will be visible to the east and to the west.



The U.S.-Mexico border west of El Paso, Texas, is separated by barbed wire fencing. Looking West, Mexico is on the left and the United States on the right.

Except at the ports-of-entry and in the larger border towns, there are no walls or other barricades in place to block illegal entry into the United States. In a few stretches of desert land in Arizona there are approximately 30 miles of vehicle barriers. These vehicle barriers, however, do not appear to act as an adequate barrier to border crossers. In Organ Pipe Cactus National Park, construction has begun on vehicle barriers along the border. When completed, these vehicle barriers will span about 30 miles of the border. Even though vehicles will be stopped, individual illegal immigrants will still be able to travel through these barriers on foot.²⁶ Indeed, the staff noted fresh evidence of vehicle traffic that had just driven around the new barrier.

²⁶ It was stressed to the staff by Department of Interior personnel that this 30 mile stretch of vehicle barriers is not a complete solution. Vehicles simply have to travel around this span to circumvent its effectiveness. In addition, the staff was shown pictures of a truck that was modified to assist other vehicles to go over the vehicle barriers. The modified truck had a set of rails that extended along its top (parallel to the ground), and were hinged to other rails extending in front and behind the truck. The modified truck could park perpendicular to the vehicle barrier, fold the front set of rails to extend over the barrier and fold the back set of rails behind it. Other vehicles could then drive up the back of the modified truck, across its top and down its front, over the vehicle barrier and into the United States.



Vehicle barriers under construction in Organ Pipe Cactus National Monument.

This type of vehicle barrier is rare along the 1,933 mile land border with Mexico. The construction of vehicle barriers at this location was due to Organ Pipe being voted the most dangerous national park by the National Park Rangers Lodge of the Fraternal Order of Police from 2001 through 2003.²⁷ In addition, National Park Service Ranger Kris Eggle was murdered in the line of duty at this park by drug smugglers fleeing from Mexican authorities on August 9, 2002.

One could, figuratively as well as literally, drive a truck through the porous U.S. border. One striking example occurred when the staff, while flying in broad daylight from El Paso to Presidio in an Immigration and Customs Enforcement (ICE) Blackhawk helicopter, observed three large panel trucks, two buses and four 18-wheel tractor trailers parked in a remote box canyon not far from the border. Upon landing, ICE Air and Marine Operations (AMO) officers accompanying the staff were unable to find any people present or other indications of the purpose of these vehicles in such a remote location that close to the border. The windows on the buses were blacked out and the trucks were parked close to one another in an apparent attempt to deter entry. The nearest farm was some miles away.

²⁷ National Park Rangers Lodge of the Fraternal Order of Police Press Release, “*Most Dangerous National Parks 2003*,” June 23, 2003, available at <http://www.rangerfop.com/danger03.htm>.



Trucks and buses parked in canyon on U.S. side of Rio Grande.

Upon our return from touring the Presidio port-of-entry a few hours later, the four tractor trailers were spotted again, but this time, on the Mexican side of the border, having illegally driven back across the Rio Grande from the United States into Mexico. The river along that stretch of the border could easily be crossed.

Border agents advised that vehicles cross the border all the time. For example, the Tohono O'odham police reported that they towed approximately 7,000 stolen vehicles from their reservation in 2003. Many of them had been abandoned by smugglers or "coyotes" after having broken down. Border agents who sweep the sand along the border as a method to determine if there were crossings in the night reported that they regularly found evidence of vehicular or foot traffic in the morning.



Five of the vehicles spotted from helicopter located in a canyon between Presidio and El Paso, Texas.

The methods employed to illegally enter the United States are only limited by the smuggler's imagination. Beyond just walking or driving across in remote sections, smugglers can use one of the dozens of smaller, unmanned crossings ("B" crossings) that, although now closed, still dot the border. Although many have barricades in place, others do not and all are still easily crossed. Other methods regularly used to smuggle people and contraband into the United States include tunneling beneath the border as well as concealment in cars, trucks, and trains.²⁸



Class B crossing between El Paso and Presidio.



Illegal immigrant concealed in a vehicle's seat attempting to enter the United States.

²⁸ Staff observations and interviews of border agents.

The Southern Border is Porous Conclusions and Recommendations

Hundreds of thousands of illegal immigrants and tons of contraband successfully cross our Southern Border every year. There is nothing to stop equally determined terrorists and their sympathizers from taking advantage of the same loopholes in our border security system to cross into our country, bringing with them their weapons and finances. The relative ease by which, drug smugglers, illegal immigrants, and potential terrorists can cross our porous borders reveals glaring weaknesses in our border security system.

The answer, however, is not to build walls between the United States and our neighbors. “Great powers have been building great walls throughout history. The Great Wall of China, the Maginot Line, and the Berlin Wall went up at considerable expense in sweat and treasure and all ultimately failed to block or contain the forces that prompted their construction.”²⁹ Rather, as Stephen E. Flynn recommended in testimony earlier this year:

The outline for transformed border management is clear. It requires a risk management approach to policing cross-border flows which includes the close collaboration of the major beneficiaries of an increasingly open North American continent – the United States’ neighbors to the North and the South, and the private sector. The stakes of getting this right are also clear. Transforming how the border is managed is an essential step towards assuring the long-term sustainability of hemispheric economic integration within the context of the transformed security environment of the post-9-11 world.³⁰

We must start treating border security as a matter of national security and economic prosperity. One of the intended goals of this report is to attempt to address the challenges posed by our current porous border without negatively affecting legitimate travel and commerce. To succeed will involve the resolve and imagination of the Congress and the Administration in developing and implementing a truly bipartisan national border strategy with an accompanying increase in funding to staff and build a modernized border regime for the 21st century. Only then, can there be an effective deterrent to those who attempt to cross the Southern Border, bent on harming this country.

²⁹ U.S. Senate, Committee on Foreign Relations, *Prepared Statement of Stephen E. Flynn, PhD., Commander, U.S. Coast Guard (Ret.)*, March 23, 2004.

³⁰ *Ibid.*

